

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HANS MOKE NIEMANN,

Plaintiff,

vs.

SVEN MAGNUS ØEN CARLSEN A/K/A  
MAGNUS CARLSEN, PLAY MAGNUS AS  
D/B/A PLAY MAGNUS GROUP, CHESS.COM,  
LLC, DANIEL RENSCH A/K/A “RENSCH”  
RENSCH, AND HIKARU NAKAMURA,

Defendants.

Case No. 4:22-cv-01110-AGF

Hon. Audrey G. Fleissig

**DEFENDANT CHESS.COM, LLC’S MOTION TO DISMISS PLAINTIFF’S  
AMENDED COMPLAINT**

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*Counsel for Defendant Chess.com, LLC*

COMES NOW Defendant Chess.com, LLC (“Chess.com”), by and through its undersigned attorneys, and moves this Court pursuant to Federal Rule of Civil Procedure 12(b)(6) and Connecticut’s anti-Strategic Lawsuits Against Public Participation (“anti-SLAPP”) statute, Conn. Gen. Stat. § 52-196a, to dismiss the Amended Complaint (“AC”) [ECF #20] of Plaintiff Hans Moke Niemann for failure to state a claim upon which relief may be granted. As more fully set forth in the accompanying Memorandum of Law in Support:

1. Niemann’s federal antitrust claim (Count III) suffers from multiple incurable defects and should be dismissed. First, the AC fails to plausibly allege there was any conspiracy, express or inferred, between Chess.com and the other defendants. Second, Niemann does not have standing to bring an antitrust claim, as the AC makes no reference or allegation with respect to harm to competition, instead only alleging that Niemann suffered individual harm. And lastly, even if the AC did allege there was a conspiratorial agreement, the AC fails to allege how any such agreement would constitute an unreasonable restraint on trade. Chess.com’s actions as alleged in the AC were not inherently anticompetitive, and the AC does not even identify the market that allegedly suffered any anticompetitive effect.

2. Niemann’s state law claims—alleging slander (Count I), libel (Count II), tortious interference (Count IV), and civil conspiracy (Count V)—also fail as a matter of law and on the merits, and consequently should also be dismissed. First, all of the state law claims are barred, as a matter of law, by Connecticut’s anti-Strategic Lawsuits Against Public Participation statute, as set forth in Defendant Magnus Carlsen’s concurrently filed motion to dismiss and accompanying memorandum of law in support, which arguments Chess.com joins in and incorporates by reference herein. Second, with respect to the slander and libel claims, the AC fails to allege how any of Chess.com’s statements were actionable under state defamation law; and even if it did, the

AC does not allege that Chess.com acted with actual malice, which is required because Niemann is a public figure. And as for the tortious interference and civil conspiracy claims, both are derivative of the other claims in the AC and fail for the same reasons the other claims fail. Independently, the tortious interference claim should be dismissed because the AC fails to allege that Chess.com had the requisite knowledge of the relationships with which it allegedly interfered, fails to demonstrate any “improper means,” and fails to explain how Chess.com’s actions were the cause of any breakdown in any such relationships.

**Wherefore,** Chess.com respectfully requests that this Court grant this motion and dismiss the claims against it (Counts I through V) and grant any further and necessary relief. The motion is based upon this motion, the accompanying Memorandum of Law in Support of the motion, Magnus Carlsen’s motion to dismiss and accompanying memoranda of law in which Chess.com joins and incorporates by reference herein, and all pleadings in this action, as well as other writing and oral argument the Court may entertain.

DATED: December 2, 2022

Respectfully submitted,

/s/ Nima H. Mohebbi

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*Counsel for Defendant Chess.com, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 2, 2022, the foregoing document was served on all counsel of record by ECF.

DATED: December 2, 2022

/s/ Nima H. Mohebbi

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